

**U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**

19704 U.S. PRO
10/62475
07/21/03


**REISSUE UTILITY PATENT APPLICATION
TRANSMITTAL PURSUANT TO 37 C.F.R.
§§ 1.53/1.171**

Attorney Docket No.
12093/837

Reissue Applicants JEAN-PAUL MARDON; JEAN SENEVAT; and DANIEL CHARQUET	Application No. To Be Assigned	Filing Date Herewith	
Reissue of United States Letters Patent No. 5,940,464	Issued August 17, 1999	Examiner To Be Assigned	Art Unit To Be Assigned
Title TUBE FOR A NUCLEAR FUEL ASSEMBLY, AND METHOD FOR MAKING SAME		Assignee FRAMATOME ANP	

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for filing is a Patent Application for a Reissue of United States Letters Patent No. 5,940,464, which is presently assigned to FRAMATOME ANP.

Applicant(s): **JEAN-PAUL MARDON; JEAN SENEVAT;
and DANIEL CHARQUET**

For: **TUBE FOR A NUCLEAR FUEL ASSEMBLY,
AND METHOD FOR MAKING SAME**

1. Enclosed are:

A six (6) page patent application (including two (2) pages of specification, one (1) page of Abstract, and three (3) sheet(s) of drawing(s)), which is a copy of United States Letters Patent No. 5,940,464 in accordance with 37 C.F.R. § 1.173(a)(1) (a copy of the cover page of U.S. Patent 5,940,464 is also included).

A signed PRELIMINARY AMENDMENT UNDER 37 C.F.R. §§ 1.121 and 1.173.

A signed NOTIFICATION OF CONCURRENT PROCEEDINGS/PETITION UNDER RULE 182 TO MERGE /STAY THE PROCEEDINGS (to follow if not checked).

80V3324C4330

A signed SUBMISSION ESTABLISHING OWNERSHIP
UNDER 37 C.F.R. § 3.73(b) (to follow if not checked).

A signed CONSENT OF ASSIGNEE OF ENTIRE INTEREST
UNDER 37 C.F.R. § 1.172 (to follow if not checked).

A signed OFFER TO SURRENDER THE ORIGINAL PATENT
UNDER 37 C.F.R. § 1.178 (to follow if not checked).

A signed REISSUE DECLARATION UNDER 37 C.F.R. § 1.175 (to follow if not checked).

A RETURN RECEIPT POSTCARD (itemized) (M.P.E.P. § 503).

A signed INFORMATION DISCLOSURE STATEMENT and an accompanying PTO-1449 form (to follow if not checked).

A signed APPOINTMENT OF POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST (to follow if not checked).

Other: _____

2. Applicant(s) hereby claims foreign priority benefits under 35 U.S.C. § 119 of French Application No. 95/09166 filed on July 27, 1995.

a certified copy of which is filed herewith.

3. The reissue filing fee has been calculated as shown below:

	NUMBER FILED	NUMBER EXTRA*	RATE (\$)	FEE (\$)
BASIC FEE				750.00
TOTAL CLAIMS	8 - 20 =		18.00	
INDEPENDENT CLAIMS	1 - 3 =		84.00	
MULTIPLE DEPENDENT CLAIM PRESENT			280.00	
*Number extra must be zero or larger			TOTAL	750.00
If the applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here.			SMALL ENTITY TOTAL	

As regards the foregoing calculation, original U.S. Patent No. 5,940,464 includes eight (8) total claims and one (1) independent claim. The copy of the Specification and Claims as filed herewith (which is a copy of U.S. Patent No. 5,940,464, as provided for by 37 C.F.R. § 1.173(a)(1)) also includes eight (8) total claims and one (1) independent claim. The Preliminary Amendment filed herewith amends one claim. Accordingly, the total number of claims remains eight (8) and the number of independent claims remains one (1).

4. Please charge the required application filing fee of **\$750.00** to the deposit account number **11-0600** of **Kenyon & Kenyon**.
5. The Commissioner is hereby authorized to charge payment of the following fees, associated with this communication or arising during the pendency of this application, or to credit any overpayment, to the deposit account number **11-0600** of **Kenyon & Kenyon**:
 - A. Any additional filing fees required under 37 C.F.R. § 1.16;
 - B. Any additional patent application processing fees under 37 C.F.R. § 1.17;
 - C. Any additional patent issue fees under 37 C.F.R. § 1.18;
 - D. Any additional document supply fees under 37 C.F.R. § 1.19;
 - E. Any additional post-patent processing fees under 37 C.F.R. § 1.20; or
 - F. Any additional miscellaneous fees under 37 C.F.R. § 1.21.
6. A duplicate copy of this transmittal paper is enclosed for that purpose.
7. In accordance with M.P.E.P. § 1442.02, Applicants respectfully requests **that the present application be examined at this time**.
8. It is respectfully submitted that the present application for a reissue of United States Letters Patent No. 5,940,464 and the Preliminary Amendment (which is an amendatory paper under 37 C.F.R. §§ 1.121 and 1.173) fully conform with the Rules of the Office.

9. Please address all communications regarding this application to:

Richard L. Mayer, Esq.
KENYON & KENYON
One Broadway
New York, New York 10004-1050

Please direct all telephone calls to Richard L. Mayer at (212) 425-7200.

Respectfully submitted,

Dated: 7/21/03

By: Richard L. Mayer (Reg. No. 41,172)
By: Richard L. Mayer
Richard L. Mayer
(Reg. No. 22,490)

KENYON & KENYON
One Broadway
New York, New York 10004
212 425-7200 - Telephone



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PATENT TRADEMARK OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : MARDON et al.
Assignee : Framatome ANP
Serial Number : To be assigned
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U.S. Patent No. : 5,940,464
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**NOTIFICATION OF CONCURRENT PROCEEDINGS/PETITION UNDER RULE
182 TO MERGE THE PROCEEDINGS OR, IN THE ALTERNATIVE, TO STAY
ONE PROCEEDING BECAUSE OF THE OTHER**

SIR:

The Patent Owner hereby notifies the Commissioner that a reexamination of the above-identified patent, assigned Reexamination Control No. 90/005,589, is currently pending in the Patent Office. The current status of this reexamination is that it is on Appeal. The Patent Owner also respectfully petitions the Commissioner to either (1) merge this reexamination with the reissue application filed concurrently herewith or (2) stay the reexamination in favor of the reissue application. The justification for such a merger or stay is to avoid any inconsistent outcomes in these proceedings that may result if they are allowed to proceed independently of one another. In particular, the Patent Owner seeks, via the reissue proceeding, to amend claim 1 according to an amendment that was denied entry in the concurrent reexamination proceeding. Therefore, the potential for inconsistent results in

these proceedings due to the overlap between the issues raised in them warrants the merger or stay that the Patent Owner seeks.

The Commissioner is authorized to charge the \$130.00 petition fee under Rule 17(h) and any other fee that may be required to Deposit Account No. 11-0600. A duplicate of this Transmittal is enclosed.

Respectfully submitted,

KENYON & KENYON

Dated: 7/21/03

By: Richard L. Mayer (Reg. No. 41,122)
By: Richard L. Mayer
Richard L. Mayer
Reg. No. 22,490

One Broadway
New York, NY 10004
(212) 425-7200